

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	09 / 287,478	Confirmation No. 6350
Applicant	:	Christian S. Rode	
Filed	:	April 6, 1999	
Provisional Appl. Filed	:	60 / 080,905, 4/06/98	
TC./A.U.	:	2128	
Examiner	:	Thai Phan	
Docket No.	:	RCI001v1	

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**MISCELLANEOUS COMMUNICATION  
REGARDING APPEAL AMENDMENT FILING DATE**

Dear Mr Phan:

I've recently gained access to private PAIR for this application and discovered that an amendment to the appeal filed on January 19, 2007 (last day of 5<sup>th</sup> month of paid-for extension) by Express Mail (EQ924233755US, see attached) was entered as having been received on January 23, 2007. I have submitted a request to the EBC that this be corrected but thought you should be apprised that such a correction was in process in case it might affect your Response to the Appeal.

As part of the response to the Notification I hoped to verify that the appeal will not stand dismissed because of MPEP S1205.03 P12.116. Also, in my response to the Non-Compliant Notification I merged the original appeal brief of 12/20/2006 with the amendment of 1/19/2007, for the sake of clarity. Obviously this response might be seen



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April 5, 2007  
Miscellaneous Communication Re: Appeal Amendment Filing Date

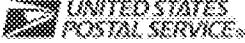
as defective if the amendment date is not corrected from the 23<sup>rd</sup> to the 19<sup>th</sup> as per the previous paragraph. If you know of another reason why the merged response might be viewed as inappropriate please do not hesitate to make contact.

Finally, regarding the 37 CFR 1.132 Supplemental Declaration Traversing Objection or Rejection (essentially a resubmission of materials erroneously earlier filed as an IDS) I hope to learn if you agree that this is a logical response to the citation of Lawman 6,324,672 and if it will be acceptable under MPEP S1206.

Thank you,  
Chris Rode  
Applicant, PRO-SE  
Waltham, MA  
781-899-4322

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April 5, 2007  
Miscellaneous Communication Re: Appeal Amendment Filing Date

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Month: 1		Scheduled Date of Delivery: 1/19/07	
Time of Delivery: 11:58 AM		ODD Fee: \$	
Priority Mail: <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		Insurance Fee: \$	
Flat Rate: <input type="checkbox"/> or Weight: 3.3 lbs		Total Package & Post: \$ 10.40	
First Day: <input type="checkbox"/> Second Day: <input type="checkbox"/> Third Day: <input type="checkbox"/>		Additional Entry: <input type="checkbox"/>	
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